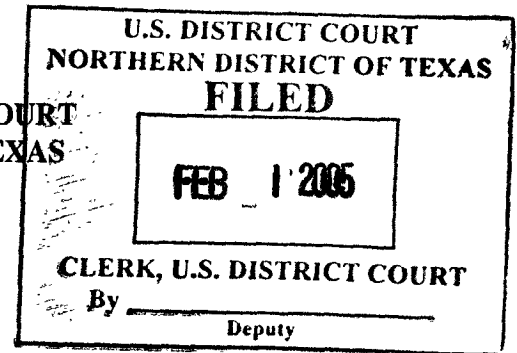


ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



SBC TECHNOLOGY RESOURCES, INC.,)

Plaintiff,)

vs.)

INRANGE TECHNOLOGIES CORP.,)
ECLIPSYS CORP., and)
RESOURCE BANCSHARES)
MORTGAGE GROUP, INC.,)

Defendants.)

HONORABLE David C. Godbey

CIVIL ACTION NO. 3:03-CV-418-N


SBC'S MOTION TO
(1) EXCLUDE EXPERT TESTIMONY AND
(2) GRANT SUMMARY JUDGMENT ON
INRANGE'S INVALIDITY AND LACHES DEFENSES

SBC Technology Resources, Inc. ("SBC") moves to (1) exclude expert testimony, and (2) grant summary judgment on Inrange's invalidity and laches defenses. The accompanying brief sets forth SBC's contentions of fact and law, and argument and authorities.

Pursuant to Local Rule 7.1(a), Frank Angileri (counsel for SBC) made several unsuccessful attempts to discuss this motion with Kevin Conneely (counsel for Inrange). In response to SBC's letters regarding the exclusion of Inrange expert testimony, Mr. Conneely indicated his opposition to the motion and stated "we will explain our position to the Court." (App. 96.)

Respectfully submitted,

By: _____


Joe Kendall
Provost Umphrey, L.L.P.
Texas State Bar No. 11260700
3232 McKinney Avenue, Suite 700
Dallas, TX 75204
Tel: (214) 744-3000
Fax: (214) 744-3015

Ernie L. Brooks
Thomas A. Lewry
Frank A. Angileri
Mark D. Chuey
Brooks Kushman P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075-1238
Tel: (248) 358-4400
Fax: (248) 358-3351

Dated: February 1, 2005

Attorneys for Plaintiff SBC Technology Resources

CERTIFICATE OF SERVICE

I certify that I served:

**SBC'S MOTION TO
(1) EXCLUDE EXPERT TESTIMONY AND
(2) GRANT SUMMARY JUDGMENT ON
INRANGE'S INVALIDITY AND LACHES DEFENSES
and BRIEF IN SUPPORT THEREOF**

on February 1, 2005 by:

___ delivering (via facsimile)

✓ mailing (via First-Class mail with exhibits)

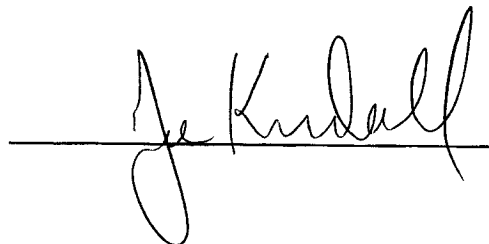
a copy to:

Kevin D. Conneely
LEONARD STREET & DIENARD
150 South Fifth Street
Suite 2300
Minneapolis, MN 55402
Fax: (612) 335-1657

William T. Reid, IV
DIAMOND, MCCARTHY, TAYLOR,
FINLEY, BRYANT & LEE, LLP
6504 Bridge Point Parkway
Suite 400
Austin, TX 78730
Fax: (512) 617-5299

Benjamin King
DIAMOND, MCCARTHY, TAYLOR,
FINLEY, BRYANT & LEE, LLP
Renaissance Tower
1201 Elm Street, 34th Floor
Dallas, TX 75270
Fax: (214) 389-5399

Attorneys for InRange Technologies

A handwritten signature in black ink, appearing to read "Joe Kudall", is written over a horizontal line.